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BellSouth Telecommunications, Inc.  
333 Commerce Street  
Suite 2101  
Nashville, TN 37201-3300

T.R.A. DOCKET ROOM

January 23, 2004

Guy M. Hicks  
General Counsel

615 214 6301  
Fax 615 214 7406

[guy.hicks@bellsouth.com](mailto:guy.hicks@bellsouth.com)

Time Warner Communications of the MidSouth, LP  
Charles B. Welch, Esquire  
Farris, Mathews, et al.  
618 Church Street, #300  
Nashville, TN 37219

Re: *Implementation of the Federal Communications Commission's  
Triennial Review Order (Nine-month Proceeding)(Loop & Transport)*  
Docket No. 03-00527

Dear Mr. Welch:

Attached is a Subpoena *Duces Tecum* for Deposition issued by the Tennessee Regulatory Authority. Also attached is a Protective Order which has been entered by the Tennessee Regulatory Authority in this proceeding. Paragraph 13 of the Protective Order provides that:

13. Non-party witnesses, including entities responding to subpoenas, data requests or other third party discovery propounded by parties or the TRA, shall be entitled to invoke the provisions of this Order by designating information disclosed or documents produced for use in this action as CONFIDENTIAL in which event the provisions of this Order shall govern the disclosure of information or documents provided by the non-party witness. A non-party witness' designation of information as confidential may be challenged under Paragraph 11 of this Order.

If the recipient of this Subpoena provides information which is fully and completely responsive to the Subpoena by BellSouth by 2:00 p.m. **February 11, 2004**, BellSouth will agree to dispense with the oral deposition. Please contact Carolyn Hanesworth at 615/214-6324 to make any necessary arrangements regarding the scheduling of depositions.

If you wish to receive a copy of the subpoena by e-mail, please provide Ms. Hanesworth with your e-mail address. You may call 615/214-6324 or send your request via e-mail to [carolyn.hanesworth@bellsouth.com](mailto:carolyn.hanesworth@bellsouth.com).

Very truly yours,

  
Guy M. Hicks

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee

In Re: *Implementation of the Federal Communications Commission's Triennial Review Order (Nine-month Proceeding)(Loop & Transport)*

Docket No. 03-00527

**SUBPOENA DUCES TECUM FOR DEPOSITION**

To: Time Warner, Charles B. Welch, Esquire, Farris, Mathews, et al., 618 Church Street, #300, Nashville, TN 37219

**YOU ARE COMMANDED** to appear before a person authorized by law to take depositions at the offices BellSouth Telecommunications, Inc., 333 Commerce Street, Suite, 2101, Nashville, TN 37201 on February 11, 2004, at 2:00 p.m. to testify in this action, and to have with you at that time and place all information set forth in the Attachment, "Matters upon which examination is requested per T.C.A. §§ 4-5-311 and 65-2-102."

These items will be inspected and may be copied at that time. You will not be required to surrender the original items.

**YOU ARE SUBPOENAED** to appear by the following attorney(s) and, unless excused from this subpoena by these attorney(s) or the Authority you shall respond to this subpoena as directed.

Guy M. Hicks  
Joelle J. Phillips  
333 Commerce Street, Suite 2101  
Nashville, TN 37201-3300  
615/214-6301

Date of Issuance: 1/22/04

Richard Collier  
Richard Collier, General Counsel  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243

**MATTERS UPON WHICH EXAMINATION IS REQUESTED**  
**PURSUANT TO T.C.A. §§ 4-5-311 and 65-2-102**

1. Please admit that Time Warner, ("Time Warner") has deployed high capacity transport facilities to each of the central offices (identified by CLLI codes) listed in Exhibit 1 attached hereto.
2. Please admit that Time Warner can route or transport traffic using Time Warner's own facilities between any pair of central offices to which it has deployed high capacity transport facilities. This includes routing or transporting traffic directly between the central offices or indirectly through an intermediate aggregation point, such as Time Warner's switch or the switch of another Time Warner.
3. Please admit that Time Warner has fiber based collocation arrangements at the central offices (identified by CLLI code) listed in Exhibit 1 attached hereto.
4. If Time Warner has denied any of the previous Requests for Admissions, state all facts and identify all documents that support such denial.
5. If Time Warner has admitted any portion of Item 2 above, please describe with particularity the nodes or termination points along the route.
6. If Time Warner has deployed any high capacity loop facilities in any of the Southeastern states, please provide the percentage of buildings where Time Warner installed its own inside wiring, the percentage of buildings where Time Warner is leasing inside wiring from another carrier, including the ILEC, and the percentage of buildings where Time Warner is using inside wiring owned by the building owner. In each of these situations, please describe with specificity the cost paid for installing or leasing the inside wire in buildings.

**REQUESTS FOR PRODUCTION**

1. Produce any documents identified above.

## **DEFINITIONS**

1. "BellSouth" means BellSouth Telecommunications, Inc., and its subsidiaries, their present and former officers, employees, agents, representatives, directors, and all other persons acting or purporting to act on behalf of BellSouth Telecommunications, Inc.

2. The terms "you" and "your" refer to Time Warner.

3. Time Warner means Time Warner, its predecessors in interest, parent(s), subsidiaries, affiliates, present and former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of Time Warner

4. The term "person" means any natural person, corporation, corporate division, partnership, other unincorporated association, trust, government agency, or entity.

5. The term "document" shall have the broadest possible meaning under applicable law. "Document" means every writing or record of every type and description that is in the possession, custody or control of CLEC including, but not limited to, correspondence, memoranda, drafts, work papers, summaries, stenographic or handwritten notes, studies, publications, books, pamphlets, reports, surveys, minutes or statistical compilations, computer and other electronic records or tapes or printouts, including, but not limited to, electronic mail files; and copies of such writings or records containing any commentary or notation whatsoever that does not appear in the original. The term "document" further includes, by way of illustration and not limitation, schedules, progress schedules, time logs, drawings, computer disks, charts, projections, time tables, summaries of other documents, minutes, surveys, work sheets, drawings, comparisons, evaluations, laboratory and testing reports, telephone call records, personal diaries, calendars, personal notebooks, personal reading files, transcripts, witness statements and indices.

6. The term "communication" means any oral, graphic, demonstrative, telephonic, verbal, electronic, written or other conveyance of information, including, but not limited to, conversations, telecommunications and documents.

7. The term "referring or relating to" means consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.

8. "And" and "or" as used herein shall be construed both conjunctively and disjunctively and each shall include the other whenever such construction will serve to bring within the scope of these discovery requests any information that would otherwise not be brought within their scope.

9. The singular as used herein shall include the plural, and vice versa, and the masculine gender shall include the feminine and the neuter.

10. "Identify" or "identifying" or "identification" when used in reference to a natural person means to state:

- a) the full legal name of the person;
- b) the name, title and employer of the person at the time in question;
- c) the present or last known employer of such person;
- d) the present or last known home and business addresses of the person;  
and
- e) the present home address.

11. "Identify" or "identifying" or "identification" when used in reference to a person other than a natural person means to state:

- a) the full name of the person and any names under which it conducts business;
- b) the present or last known address of the person; and
- c) the present or last known telephone number of the person.

12. "Identify" or "identifying" or "identification" when used in reference to a document means to provide with respect to each document requested to be identified by these discovery requests a description of the document that is sufficient for purposes of a request to produce or a subpoena duces tecum, including the following:

- a) the type of document (e.g., letter, memorandum, etc.);
- b) the date of the document;
- c) the title or label of the document;
- d) the Bates number or other identifier used to number the document for use in litigation;
- e) the identity of the originator;
- f) the identity of each person to whom it was sent;
- g) the identity of each person to whom a copy or copies were sent;
- h) a summary of the contents of the document;
- i) the name and last known address of each person who presently has possession, custody or control of the document; and
- j) if any such document was, but is no longer, in your possession, custody or control or is no longer in existence, state whether it: (1) is missing or lost; (2) has been destroyed; or (3) has been transferred voluntarily or involuntarily, and, if so, state the circumstances surrounding the authorization for each such disposition and the date of such disposition.

13. "Identify," "identifying" or "identity" when used in reference to a communication means to state the date of the communication, whether the communication was written or oral, the identity of all parties and witnesses to the communication, the substance of what was said and/or transpired and, if written, the identity of the document(s) containing or referring to the communication.

14. "Business case" refers to any undertaking that analyzes or evaluates, among other things, the business value to be realized, the tangible and intangible benefits, the effect on business processes and people's jobs, the financials, the technology to be applied, and the risks, potential problems and rewards of a particular course of action. It is the process that would be undertaken prior to going into a particular business, or before undertaking a particular course of action in order to determine whether the actions taken would provide a positive business benefit, when balanced against the potential problems that might be incurred.

15. "ILEC" refers to Incumbent Local Exchange Carrier.

16. "Southeastern states" include the following states: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

17. "IRU" refers to an indefeasible right of use, or a type of arrangement that conveys a right that cannot be arbitrarily changed or altered.

18. "Dark fiber" refers to optical transmission facilities without attached electronics, through which no light is transmitted and no signal is carried.

19. "Dark fiber transport" refers to optical transmission facilities without activated electronics, through which no light is transmitted and no signal is carried.

20. "Optronics" refers to equipment, materials, and devices that are attached to dark fiber for the purpose of lighting the fiber to carry a signal to serve customers.

21. "Loop" refers to a transmission facility between a distribution frame (or its equivalent) and the loop demarcation point at an end-user customer premises. This definition is intended to include facilities between a switch, wire center, collocation, or point of interconnection and a customer's premises and is inclusive of both transmission facilities between an incumbent LEC central office and transmission facilities between non-ILEC wire centers and switches.

22. "DSO" refers to Digital Signal, level zero.

23. "DS1" refers to Digital Signal, level 1.

24. "MSA" refers to Metropolitan Statistical Area.

25. A "qualifying service" is a service as defined in 47 C.F.R. §51.5, as that rule is currently set forth in connection with the FCC's *Triennial Review Order* (TRO).

26. "High capacity" refers to transmission and loop facilities with a total digital signal speed of DS1 or higher.

27. "CLLI code" refers to the Common Language Location Identifier that identifies a specific physical location or specific piece of equipment at a physical location.

### **GENERAL INSTRUCTIONS**

1. If you contend that any response to any Interrogatory may be withheld under the attorney-client privilege, the attorney work product doctrine or any other privilege or basis, please state the following with respect to each such response in order to explain the basis for the claim of privilege and to permit adjudication of the propriety of that claim:

- a) the privilege asserted and its basis;
- b) the nature of the information withheld; and
- c) the subject matter of the document, except to the extent that you claim it is privileged.

2. These discovery requests are to be answered with reference to all information in your possession, custody or control or reasonably available to you. These discovery requests are intended to include requests for information, which is physically within your possession, custody or control as well as in the possession, custody or control of your agents, attorneys, or other third parties from which such documents may be obtained.

3. If any Interrogatory cannot be answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.

4. These interrogatories are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses to these interrogatories subsequently become known.

5. For each Interrogatory, provide the name of the company witness(es) or employee(s) responsible for compiling and providing the information contained in each answer.

6. To the extent Time Warner has previously provided a response to any Interrogatory, which prior response is responsive to any of the following Interrogatories, in Florida or any other state in proceedings in which BellSouth and Time Warner are parties, Time Warner need not respond to such Interrogatory again, but rather may respond to such Interrogatory by identifying the prior response to such Interrogatory by state, proceeding, docket number, date of response, and the number of such response. If such prior response does not respond to the Interrogatory contained below in its entirety, you should provide all additional information necessary to make your answers to these Interrogatories complete.



Time Warner – Exhibit 1

CLLI  
MMPHTNBA  
MMPHTNCT  
MMPHTNEL  
MMPHTNGT  
MMPHTNMT  
MMPHTNOA  
MMPHTNSL

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 10, 2003

IN RE:

IMPLEMENTATION OF THE FEDERAL  
COMMUNICATIONS COMMISSION'S TRIENNIAL  
REVIEW ORDER- 9 MONTH PROCEEDING-LOOP  
AND TRANSPORT

DOCKET NO.  
03-00527

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ORDER ADOPTING PROPOSED PROTECTIVE ORDER

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On November 25, 2003, BellSouth Telecommunications, Inc. ("BellSouth") filed a proposed *Protective Order*. In the cover letter, BellSouth stated that it had provided a copy of the proposed *Protective Order* to the parties of record and no party opposed the proposed order or provided substantive comments on the proposed order. BellSouth also explained that Paragraph 13 had been revised to make clear that non-party witnesses, including entities responding to subpoenas, data requests or other third party discovery propounded by the parties or the TRA will be entitled to invoke the provisions of the *Protective Order* by designating information disclosed or documents produced as "confidential".

In order to assess the support for the proposed *Protective Order*, the Hearing Officer issued a *Notice of Filing* on December 4, 2003 directing interested parties to file objections to the proposed *Protective Order* by Tuesday, December 9, 2003.

To date, no party has objected to the proposed *Protective Order*. Based on this fact and the December 4, 2003 *Notice of Filing*, the Hearing Officer concludes that all parties of record support the adoption of the November 25, 2003 proposed *Protective Order*.

**IT IS THEREFORE ORDERED THAT:**

The proposed *Protective Order* filed by BellSouth on November 25, 2003 and attached hereto is adopted and incorporated into this Order as if fully rewritten herein.

A handwritten signature in black ink, appearing to read "Pat Miller", is written over a horizontal line.

Pat Miller, Director  
as Hearing Officer

ORIGINAL

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee

In Re: *Implementation of the Federal Communications Commission's  
Triennial Review Order (Nine-month Proceeding) – Loop & Transport*

Docket No. 03-00527

**PROTECTIVE ORDER**

To expedite the flow of filings, exhibits and other materials, and to facilitate the prompt resolution of disputes as to the confidentiality of such material, adequately protect material entitled to be kept confidential and to ensure that protection is afforded only to material so entitled; the Tennessee Regulatory Authority ("TRA") hereby orders that:

1. For the purpose of this Protective Order (the "Order"), proprietary or confidential information, hereinafter referred to as "CONFIDENTIAL INFORMATION" shall mean documents and information in whatever form which the producing party in good faith deems to contain or constitute trade secrets, confidential commercial information, confidential research, development, financial statements or other commercially sensitive information, and which has been so designated by the producing party. A "producing party" is defined as the party creating the confidential information as well as the party having actual physical possession of information produced pursuant to this Order. All summaries, notes, extracts, compilations or other direct or indirect reproduction from or of any protected materials, shall be entitled to protection under this Order, and shall be stored, protected and maintained at the law offices of parties' counsel of record until such time that said material shall be returned, as provided for in paragraph 16. Documents containing CONFIDENTIAL INFORMATION shall be specifically marked as confidential on

the cover. Any document so designated shall be handled in accordance with this Order. The provisions of any document containing CONFIDENTIAL INFORMATION may be challenged under Paragraph 11 of this Order.

2. Any individual or company subject to this Order, including producing parties or persons reviewing CONFIDENTIAL INFORMATION, shall act in good faith in discharging their obligations hereunder. Parties or nonparties subject to this Order shall include parties which are allowed by the TRA to intervene subsequent to the date of entry of this Protective Order.

3. Except as limited by Paragraph 22 of this Order, CONFIDENTIAL INFORMATION shall be used only for purposes of this proceeding and shall be disclosed only to the following persons:

- (a) counsel of record for the parties in this proceeding and any legal support personnel (e.g., paralegals and clerical employees) acting at the direction of counsel actively engaged in assisting counsel of record in this and the designated related proceeding;
- (b) other employees, officers, or directors of a party, who are not engaged in strategic or competitive decision making, including, but not limited to, the sale or marketing or pricing of any products or services on behalf of the receiving party;
- (c) TRA Directors and members of the staff of the TRA;
- (d) The Tennessee Attorney General and staff.

Under no circumstances shall any CONFIDENTIAL INFORMATION or copies therefore be disclosed to or discussed with anyone associated with the marketing of services in competition with the products, goods or services of the producing party. Counsel for the parties are expressly prohibited from disclosing CONFIDENTIAL INFORMATION produced by another party to their respective clients, or to any other person or entity that

does not have a need to know for purpose of preparing for or participating in this proceeding. Whenever an individual, other than the persons described in Section 3 (a), (b), (c) and (d) above, is designated to have access, then notice (by sending a copy of the executed affidavit) must be given to adversary counsel prior to the access being given to that individual and that individual, prior to seeing the material, must execute an affidavit that the information will not be disclosed and will not be used other than in this proceeding.

4. Prior to disclosure of CONFIDENTIAL INFORMATION to any employee or associate counsel for a party, officer or director of the parties, including any counsel representing the party who is to receive the CONFIDENTIAL INFORMATION, counsel shall provide a copy of this Order to the recipient employee or associate counsel who shall be bound by the terms of this Order.

5. If any party or non-party subject to this Order inadvertently fails to designate documents as CONFIDENTIAL in accordance with the provisions of this Order when producing such documents, such failure shall not constitute a waiver of confidentiality; provided the party or non-party who has produced the document shall notify the recipient of the document in writing within five (5) days of discovery of such inadvertent failure to designate the document as CONFIDENTIAL. At that time, the recipients will immediately treat the subject document as CONFIDENTIAL. An inadvertent failure to designate a document as CONFIDENTIAL shall not, in any way, affect the TRA's determination as to whether the document is entitled to CONFIDENTIAL status.

6. If any party or non-party subject to this Order inadvertently fails to designate documents as CONFIDENTIAL in accordance with the provisions of this Order when producing such documents and such failure is not discovered in time to provide five (5)

day notification to the recipient of the confidential nature of the documents referenced in the paragraph above, the failure shall not constitute a waiver of confidentiality and a party by written motion or by oral motion at a Pre-Hearing Conference called for the purpose or at the Hearing on the merits may request designation of such documents as CONFIDENTIAL, and if the motion is granted by the Pre-Hearing Officer, Administrative Law Judge, or the Authority, the recipients shall immediately treat the subject documents as CONFIDENTIAL. The Tennessee Regulatory Authority, the Pre-Hearing Officer or Administrative Law Judge may also, at his or her discretion, either before or during the Pre-Hearing Conference or hearing on the merits of the case, allow information to be designated CONFIDENTIAL and treated as such in accordance with the terms of this Order.

7. Any papers filed in this proceeding that contain, quote, paraphrase, compile or otherwise disclose documents covered by the terms of this Order, or any information contained therein, shall be filed and maintained in the TRA Docket Room in sealed envelopes marked CONFIDENTIAL and labeled to reflect the style of this proceeding, the docket number, the contents of the envelope sufficient to identify its subject matter, and this Protective Order. Such envelopes shall be maintained in a locked filing cabinet. The envelopes shall not be opened or their contents reviewed by anyone except upon order of the TRA, Pre-Hearing Officer, or Administrative Law Judge after due notice to counsel of record. Notwithstanding the foregoing, the Directors and the Staff of the TRA may review any paper filed as CONFIDENTIAL without obtaining an order of the TRA, Pre-Hearing Officer or Administrative Law Judge, provided the Directors and Staff maintain the confidentiality of the paper in accordance with the terms of this Order.

8. Documents, information and testimony designated as CONFIDENTIAL, in accordance with this Order, may be disclosed in testimony at the hearing of this proceeding and offered into evidence used in any hearing related to this action, subject to the Tennessee Rules of Evidence and to such future orders as the TRA, the Pre-Hearing Officer, or the Administrative Law Judge may enter. Any party intending to use documents, information, or testimony designated CONFIDENTIAL shall inform the producing party and the TRA, the Pre-Hearing Officer, or the Administrative Law Judge, prior to the hearing on the merits of the case, of the proposed use; and shall advise the TRA, the Pre-Hearing Officer, or the Administrative Law Judge, and the producing party before use of such information during cross-examination so that appropriate measures can be taken by the TRA, the Pre-Hearing Officer, or the Administrative Law Judge, and/or requested by the producing party in order to protect the confidential nature of the information.

9. Except for documents filed in the TRA Docket Room, all documents covered by the terms of this Order that are disclosed to the requesting party shall be maintained separately in files marked CONFIDENTIAL and labeled with reference to this Order at the offices of the requesting party's counsel of record and returned to the producing party pursuant to Paragraph 16 of this Order.

10. Nothing herein shall be construed as preventing any party from continuing to use and disclose any information (a) that is in the public domain, or (b) that subsequently becomes part of the public domain through no act of such party, or (c) that is disclosed to it by a third party, where said disclosure does not itself violate any contractual or legal obligation, or (d) that is independently developed by a party, or (e) that is known or used



by it prior to this proceeding. The burden of establishing the existence of (a) through (e) shall be upon the party attempting to use or disclose such information.

11. Any party may contest the designation of any document or information as CONFIDENTIAL by applying to the TRA, Pre-Hearing Officer, Administrative Law Judge or the courts, as appropriate, for a ruling that the documents information, or testimony should not be so treated. All documents, information and testimony designated as CONFIDENTIAL, however, shall be maintained as such until the TRA, the Pre-Hearing Officer, the Administrative Law Judge, or a court orders otherwise. A Motion to contest must be filed not later than ten (10) days prior to the Hearing on the Merits. Any Reply from the Company seeking to protect the status of their CONFIDENTIAL INFORMATION must be received not later than five (5) days prior to the Hearing on the Merits and shall be presented to the Authority at the Hearing on the merits for a ruling.

12. Nothing in this Order shall prevent any party from asserting any objection to discovery other than an objection based upon grounds of confidentiality.

13. Non-party witnesses, including entities responding to subpoenas, data requests or other third party discovery propounded by parties or the TRA, shall be entitled to invoke the provisions of this Order by designating information disclosed or documents produced for use in this action as CONFIDENTIAL in which event the provisions of this Order shall govern the disclosure of information or documents provided by the non-party witness. A non-party witness' designation of information as confidential may be challenged under Paragraph 11 of this Order.

14. No person authorized under the terms herein to receive access to documents, information, or testimony designated as CONFIDENTIAL shall be granted

access until such person has complied with the requirements set forth in paragraph 4 of this Order.

15. Any person to whom disclosure or inspection is made in violation of this Order shall be bound by the terms of this Order.

16. Upon an order becoming final in this proceeding or any appeals resulting from such an order, all the filings, exhibits and other materials and information designated CONFIDENTIAL and all copies thereof shall be returned by parties and nonparties who received CONFIDENTIAL INFORMATION to counsel for the party who produced (or originally created) the filings, exhibits and other materials, within fifteen (15) days. Subject to the requirements of Section 7 above, the TRA may retain copies of information designed at CONFIDENTIAL. Counsel who received the filings, exhibits and other materials shall certify to counsel for the producing party that all the filings, exhibits and other materials, plus all copies or extracts from the filings, exhibits and other materials and all copies of the extracts from the filings, exhibits and other materials thereof have been delivered to counsel for the producing party. Upon request, the Office of the Tennessee Attorney General shall notify the producing party of its intent to destroy, return or maintain as CONFIDENTIAL the filings, exhibits and other materials and all copies of the extracts from the filings, exhibits and other materials thereof.

17. After termination of this proceeding, the provisions of this Order relating to the secrecy and confidential nature of CONFIDENTIAL DOCUMENTS, information and testimony shall continue to be binding upon parties herein and their officers, employers, employees, agents, and/or others for five years unless this Order is vacated or modified.

18. Nothing herein shall prevent entry of a subsequent order, upon an appropriate showing, requiring that any documents, information or testimony designated as CONFIDENTIAL shall receive protection other than that provided herein.

19. The Attorney General has authority to enter into non-disclosure agreements pursuant to T.C.A. § 65-4-118.

20. Nothing in this Order is intended to limit or expand the statutory authority of the Attorney General or the Consumer Advocate Division as express in T.C.A. § 10-7-504 title *Confidential Records* and T.C.A. § 65-4-118 titled *Consumer Advocate Division*.

21. The obligations of the Attorney General under this Order are further subject to all applicable federal and state laws, regulations and rules, provided however, the Attorney General shall not disclose CONFIDENTIAL INFORMATION unless required by federal or state law. In the event that the Attorney General is served with a subpoena, public records, Freedom of Information Act request, or other request that calls for the production of CONFIDENTIAL INFORMATION by the producing party, the Attorney General will notify the producing party by notifying the undersigned of the existence of the subpoena, public records request, FOIA request, or other request, at least ten (10) business days before responding to the request, as long as the Attorney General is able to respond to the request within a reasonable time. The Attorney General may elect to wait to produce such information as allowed by state law in order to provide the producing party an opportunity to challenge said subpoena or request or to make arrangements to preserve the confidentiality of the CONFIDENTIAL INFORMATION that is subject to such request.

22. A primary purpose of this Protective Order is to allow the Attorney General, TRA and parties access to information that may be relevant in this proceeding. However, nothing in this Protective Order shall be construed to limit the powers of the Office of the Attorney General and Reporter to investigate or prosecute any matter through the use of the CONFIDENTIAL INFORMATION, which the Attorney General is otherwise empowered to investigate or prosecute.

23. All the filings, exhibits and mother materials and information designated CONFIDENTIAL and all copies thereof received by the Office of the Tennessee Attorney General from the producing party shall be handled in accordance with T.C.A. §§ 10-7-508 and 10-7-509 and all other applicable state and federal laws.

24. Nothing in this Order is intended to restrict or alter federal or state laws, regulations or rules.

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 25, 2003, a copy of the foregoing document was served on the parties of record, via the method indicated:

☐ Hand  
☐ Mail  
☐ Facsimile  
☐ Overnight  
☒ Electronic

Henry Walker, Esquire  
Boult, Cummings, et al.  
414 Union Street, #1600  
Nashville, TN 37219-8062  
[hwalker@boultcummings.com](mailto:hwalker@boultcummings.com)

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☐ Mail  
☐ Facsimile  
☐ Overnight  
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☒ Electronic

Mark W. Smith, Esquire  
 Strang, Fletcher, et al.  
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